

FOURTH DAY.

(Friday, January 14, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

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| Acker. | King of |
| Albritton. | Throckmorton. |
| Alexander. | Kinnear. |
| Anderson. | Kirby. |
| Avis. | Kirkland. |
| Barnett. | Kittrell. |
| Barron. | Land. |
| Bass. | Lipscomb. |
| Bateman. | Loftin. |
| Beck. | Long. |
| Bird. | Loy. |
| Black. | Masterson. |
| Boggs. | McCombs. |
| Bonham. | McGill. |
| Boon. | McKean. |
| Branch. | Merritt. |
| Brown. | Minor. |
| Conway. | Montgomery. |
| Cornwell. | Moore. |
| Cox. | Morse. |
| Cummings. | Moursund. |
| Dale. | Murphy. |
| Daniel. | Nabors. |
| Davis. | Nicholson. |
| DeBerry. | Olsen. |
| Denman. | Parrish of Travis. |
| Dielmann. | Pavlica. |
| Dunlap. | Pearce. |
| Durham. | Petsch. |
| Duvall. | Poage. |
| Enderby. | Pope. |
| Eickenroht. | Porter. |
| Faulk. | Powell. |
| Finlay. | Purl. |
| Fly. | Ramsey. |
| Forbes. | Rawlins. |
| Gates. | Reagan. |
| Gibson. | Renfro |
| Gilbert. | of Angelina |
| Graves. | Renfro of Mills. |
| Gray. | Rogers of Hays. |
| Hagaman. | Rogers of Shelby. |
| Hall. | Rowell. |
| Harding. | Runge. |
| Harman. | Sanders. |
| Hefley. | Satterwhite. |
| High. | Shaver. |
| Holder. | Sheats. |
| Holland. | Shirley. |
| Hornaday. | Simmons. |
| Johnson. | Sinks. |
| Jones. | Smith of El Paso. |
| Justice. | Smith of Nueces. |
| Kayton. | Smith of Smith. |
| Kemble. | Smyth. |
| Kennedy. | Snelgrove. |
| Kincaid. | Stell. |
| King of Hopkins. | Stevenson. |

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| Storey. | Wallace of Smith |
| Stout. | Ware. |
| Sutton. | Wassell. |
| Swain. | Webb. |
| Taylor. | Wells. |
| Teer. | Whitaker. |
| Tillotson. | Williams |
| Turner. | of Sabine. |
| Van Zandt. | Williams |
| Veatch. | of Travis. |
| Walker. | Williamson. |
| Wallace | Woodall. |
| of Freestone. | Woodruff. |
| Wallace of Panola. | Young. |

Absent—Excused.

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| Farrar. | Pool. |
| Foster. | Shearer. |
| Fuchs. | Smith |
| Jacks. | of Atascosa. |
| Kenyon. | Waddell. |
| Parish | |
| of Runnels. | |

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Jacks for today, on motion of Mr. Dunlap.

Mr. Foster for today, on motion of Mr. Kemble.

Mr. Shearer for today, on motion of Mr. Wells.

Mr. Wassell for today, on motion of Mr. Daniel.

Mr. Fuchs for today, on motion of Mr. Sinks.

The following members were granted leaves of absence on account of illness:

Mr. Parish of Runnels for today and the balance of the week, on motion of Mr. Rogers.

Mr. Farrar for today and the balance of the week, on motion of Mr. Stout.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Durham, Mr. Harman, Mr. Veatch and Mr. Snelgrove:

H. B. No. 85. A bill to be entitled "An Act regulating primary elections and nominations of political parties in this State, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Durham, Mr. Harman, Mr. Veatch and Mr. Snelgrove:

H. B. No. 86, A bill to be entitled "An Act regulating elections in the State of Texas, and declaring an emergency."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Kemble et al.:

H. B. No. 87, A bill to be entitled "An Act enabling cities and incorporated villages to pass zoning regulations; granting full power to said cities and incorporated villages; providing for the creation of districts; declaring purposes in view; providing for the method of procedure; providing for certain changes; providing for a commission; providing for a board of adjustment; providing for its powers and duties; providing certain methods of enforcement and remedies; providing the method to be followed in case of conflict with other laws; providing for the validity for all parts of the law not declared unconstitutional, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Dielmann and Mr. Moursund:

H. B. No. 88, A bill to be entitled "An Act to amend Article 277, Title 5, Chapter 4, of the Code of Criminal Procedure as adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the manner in which bail shall be taken in cases of felony and misdemeanor, and providing in cases of felony for the creation of a lien on the property of the sureties described in the bail bond; the recording of same by the county clerk, or clerks in the counties where the lands shown in said bond is situated."

Referred to Judiciary Committee.

By Mr. Dielmann and Mr. Moursund:

H. B. No. 89, A bill to be entitled "An Act to amend Chapter 2, Article 1024, Code of Criminal Procedure of the State of Texas, as to fees allowed in habeas corpus and felony cases."

Referred to Judiciary Committee.

By Mr. Dielmann and Mr. Moursund:

H. B. No. 90, A bill to be entitled

"An Act making theft of an automobile or any part thereof, or accessory thereto, a felony, and affixing a punishment therefor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Dielmann, Mr. Kayton, Mr. Anderson, Mr. Moursund and Mr. Williamson:

H. B. No. 91, a bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, as amended by Chapter 131, General Laws, passed at the Regular Session of the Thirty-fourth Legislature, and as further amended by Chapter 134, General Laws, passed at the Regular Session of the Thirty-fifth Legislature; also as amended by Senate bill No. 132, Acts of the Thirty-eighth Legislature and being entitled 'county auditors—compensation, etc., in certain counties,' page 391, Acts of the Thirtieth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants or over, or having taxable valuation of fifteen million dollars or over, and adding to and amending said Acts by fixing the compensation of county auditors in counties having a population of over one hundred and fifty thousand inhabitants, according to the last United States census, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Dielmann, Mr. Anderson, Mr. Moursund, Mr. Kayton and Mr. Williamson:

H. B. No. 92, A bill to be entitled "An Act to amend Title 1, Chapter 1, Article 3943, Revised Civil Statutes of Texas, relating to fees of office of county treasurers, so as to hereafter read as follows."

Referred to Judiciary Committee.

By Mr. Montgomery:

H. B. No. 93, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, providing additional purposes for which corporations may be formed under the laws of Texas under what shall be known as 'Title and Trust Companies'; providing said corporations may incorporate for one or more of the purposes stated, and that no corporation incorporated under this section shall be incorporated for less than one hundred thousand dollars, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Pearce and Mr. Gray:

H. B. No. 94, A bill to be entitled "An Act providing for the establishment of boundary lines between different land owners, by an agreement and by notice served on residents or their agent, or agents, and by publication notice upon non-residents, and by surveying the boundary lines by county and State surveyors after due notice or by agreement; providing for the surveyor to file a report of his survey and have the same recorded in the surveyor's record in the county where the land lies; providing for appeal to the district court by any party aggrieved as to the survey or as to the costs taxed for making said survey, providing for the district court to hear said appeal, confirm or reject said survey and apportion the costs and if necessary appoint other surveyors to re-survey the land; providing for the permanent establishment of the corners and boundary lines by said survey and judgment of the court; providing for the recording of the surveyor's report and judgment of the court in the permanent records of the surveyors in the county where the land is situated; providing for the assessment of costs by the surveyor for the collection of the costs under the same condition as taxes against said land, and repealing all laws and parts of laws in conflict with this act."

Referred to Committee on State Affairs.

By Mr. Jacks:

H. B. No. 95, A bill to be entitled "An Act to amend Article 1873, Revised Civil Statutes of 1925, requiring Courts of Civil Appeals to file conclusions of fact and law in certain cases."

Referred to Judiciary Committee.

By Mr. Jacks:

H. B. No. 96, A bill to be entitled "An Act to amend Article 1728, Revised Civil Statutes of 1925, regulating the jurisdiction of the Supreme Court, by striking out Subdivision 6 of said article, and designating cases in which the Supreme Court is given jurisdiction to grant writs of error."

Referred to Judiciary Committee.

By Mr. Jacks:

H. B. No. 97, A bill to be entitled "An Act to regulate practice in the district and county courts, requiring litigants to furnish the clerk of court duplicate originals of all pleadings and all other papers filed in the cause during

its progress or incident to appeal or writ of error."

Referred to Judiciary Committee.

By Mr. Daniel:

H. B. No. 98, A bill to be entitled "An Act amending Article 324 of the Revised Civil Statutes of the State of Texas by providing for the payment of assistant district attorneys in districts in which there is situated a city of twenty-eight thousand population and over, and for the removal of such assistant district attorneys, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Kittrell and Mr. Williams of Travis:

H. B. No. 99, A bill to be entitled "An Act to amend Article 3101 of the Revised Civil Statutes of 1925, relating to the nomination of officers."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Renfro of Mills:

H. B. No. 100, A bill to be entitled "An Act determining, fixing and providing for the payment of office and traveling expenses of the county superintendent of Comanche county, Texas, and declaring an emergency."

Referred to Committee on Education.

By Mr. Moore:

H. B. No. 101, A bill to be entitled "An Act fixing the compensation of county commissioners in counties of judicial districts composed of two or more counties on January 1, 1927, having a total population in said counties of not less than fifteen thousand eight hundred and fifty nor more than fifteen thousand nine hundred inhabitants according to the last United States census, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Gray and Mr. Sinks:

H. B. No. 102, A bill to be entitled "An Act to amend Article 588 of the Code of Criminal Procedure of 1895 relating to special venire."

Referred to Committee on Criminal Jurisprudence.

By Mr. Merritt:

H. B. No. 103, A bill to be entitled "An Act placing a closed season of five years on Mexican blue quail, partridge, quail, bobwhite, and wild pheasant in certain counties; providing a penalty for the violation of same; repealing all

laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Cornwell:

H. B. No. 104, A bill to be entitled "An Act amending Chapter 185, local and special laws enacted by the Thirty-ninth Legislature at its Regular Session in 1925, same being an amendment to Section 11, Chapter 16, of the local and special laws enacted by the First Called Session of the Thirty-seventh Legislature, in 1921, same being a Special Road Law for Liberty county, by adding thereto Section 11a, to permit the issuance of bonds by Liberty county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. McCombs:

H. B. No. 105, A bill to be entitled "An Act authorizing the State Health Officer through special inspectors to prevent materials subject to infectious diseases being used in the making or remaking of bedding, and to prevent the sale of bedding so made; providing for the sterilization of second-hand bedding or bedding to be re-made or renovated; requiring proper description of the materials used in the making, remaking or renovating of bedding, and providing a penalty for failure to make proper designations by the use of tags and providing a penalty for the improper removal, defacing or alteration of such tags; providing revenue for the enforcement of this act through purchase of stamps from the State of Texas."

Referred to Committee on Public Health.

By Mr. McCombs:

H. B. No. 106, A bill to be entitled "An Act prescribing procedure in suits on promissory notes and other contracts involving liquidated demands, and on sworn accounts."

Referred to Judiciary Committee.

By Mr. Rogers of Shelby and others:

H. B. No. 107, A bill to be entitled "An Act to regulate the practice of pharmacy, control and regulate the manufacture, sale and distribution of drugs, chemicals and poisons; fixing penalties; repealing certain laws, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Kenyon:

H. B. No. 108, A bill to be entitled "An Act relating to the filing and recording of instruments of writing, heretofore and hereafter recorded, and the effect thereof, and validating defective certificates of acknowledgment."

Referred to Judiciary Committee.

By Mr. Dale, Mr. Wallace of Free-stone, Mr. Williams, Mr. Sutton, Mr. Brown and Mr. Bateman:

H. B. No. 109, A bill to be entitled "An Act relative to registration fees of motor vehicles and motorcycles; amending Article 6678, Revised Civil Statutes of 1925, so as to eliminate registration fees of passenger motor vehicles based on horse power; amending Article 6679, Revised Civil Statutes of 1925, so as to eliminate registration fees on motor vehicles designed or used for transportation of property based upon horse power; providing for a registration fee in addition to other registration fees based on weight to be paid by owners of passenger motor vehicles operating for hire; naming a minimum registration fee for passenger motor vehicles, and providing a penalty for failure to pay the same; amending Article 6691, so as to provide that hereafter all of such registration fees shall go to the county and shall be deposited by the tax collector to the credit and for the use of the County Road and Bridge Fund, and that none of said fees shall be paid into the State Highway Fund; repealing Article 820 of the Penal Code; providing that if any section is declared unconstitutional, it shall not invalidate any remaining part of this act; fixing the compensation of the tax collectors, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Anderson, Mr. Dielmann and Mr. King:

H. B. No. 110, A bill to be entitled "An Act to amend Articles 4604 and 4606, Chapter 1, Title 75, of the Revised Civil Statutes of the State of

Texas, and to add to Chapter 1, Title 75, of the Revised Civil Statutes of the State of Texas, Article 4606 (d), so as to provide for the taking and filing by the county clerk of written applications for marriage licenses and the contents thereof; for the publication or posting of notice of such applications and the manner and time of same; for the issuance and recording of licenses and the return of same; for notice to persons to whom licenses have been issued where no return is made within sixty days, and the manner of giving such; and providing a fee for the county clerk and that such fee shall be ex-officio, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Anderson:

H. B. No. 111, A bill to be entitled "An Act to amend Title 1, Chapter 1, Article 3936, Revised Civil Statutes of Texas, relating to fees of office of constables."

Referred to Judiciary Committee.

By Mr. Runge and Mr. Petsch:

H. B. No. 112, A bill to be entitled "An Act to change and prescribe the time for holding the terms of district court in the Thirty-third Judicial District; to make all writs and process issued or served before this act takes effect, including recognizances and bonds, returnable to the terms of court in several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the act; to provide for the continuation of court in session in said district when this act takes effect, to the end of the term; to repeal all laws and parts of laws in conflict herewith, and providing for an emergency."

Referred to Judiciary Committee.

By Mr. Cummings:

H. B. No. 113, A bill to be entitled "An Act conferring power upon the Supreme Court to make rules of pleadings, practice and procedure in civil cases, and to prescribe forms of writs, processes and notices in civil cases."

Referred to Judiciary Committee.

By Mr. Hornaday and Mr. Montgomery:

H. B. No. 114, A bill to be entitled "An Act to add a new article to Title 48, Revised Civil Statutes of 1925, to

be numbered 2583a, providing that no person who feloniously takes or causes another to take the life of another shall inherit from such person or receive any interest in the estate of the decedent, or take by devise or legacy from him any portion of his estate; that no beneficiary of any policy of insurance or certificate of membership issued by any benevolent association payable upon death or disability of any person who takes of causes to be taken the life upon which such policy is issued shall take the proceeds of such policy, but that all proceeds accruing upon the death or disability of the person whose life is taken or who is disabled shall become subject to distribution among the other heirs of such deceased or disabled person, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Petsch:

H. B. No. 115, A bill to be entitled "An Act regulating the time for preliminary pleadings in capital cases, such as motions for change of venue, applications for severance, and motions to quash."

Referred to Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 116, A bill to be entitled "An Act defining murder and prescribing the punishment therefor, and repealing Chapter XV and Articles 1256, 1257 and 1262 of the Penal Code."

Referred to Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 117, A bill to be entitled "An Act to repeal Section 702 of the Code of Criminal Procedure."

Referred to Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 118, A bill to be entitled "An Act to amend Articles 5431 and 5432, of Title 88, of the Revised Civil Statutes of the State of Texas of 1925, relating to damages by libel, mitigation of damages occasioned by libel, and the defenses in causes of action for libel, and defining privileged matters."

Referred to Judiciary Committee.

By Mr. Graves:

H. B. No. 119, A bill to be entitled "An Act imposing an occupation tax upon theatrical, dramatic and musical

comedy shows, moving picture shows, opera houses, theatres, tents, airdomes, and other such structures, used for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; said tax to be collected from all shows, moving pictures and other public entertainments or exhibitions given for profit in cities, towns and villages; the amount to be graduated according to the population of said cities, towns and villages, according to the last preceding Federal census; granting authority to such cities, towns and villages to collect an additional tax equal to one-half the State tax; repealing all laws in conflict herewith, and particularly repealing Sections 13 and 36 of Article 7355, Revised Civil Statutes of the State of Texas, and Chapter 6 of the General Laws of the Third Called Session of the Thirty-eighth Legislature, and all laws or parts of laws in conflict with the provisions of this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Bonham and Mr. Beck:

H. B. No. 120, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure so that one indictment may cover all offenses growing out of the same transaction."

Referred to Committee on Criminal Jurisprudence.

By Mr. Kittrell:

H. B. No. 121, A bill to be entitled "An Act to make valid and enforceable written provisions or agreements for the arbitration of disputes."

Referred to Judiciary Committee.

By Mr. Denman:

H. B. No. 122, A bill to be entitled "An Act to provide for the purchase of stationery, blank books, record books, and office supplies for all officers in each county in this State; and authorizing the district clerk of each county to purchase all supplies needed for the district court of such county, with the approval of the district judge of such county."

Referred to Judiciary Committee.

By Mr. Gibson, Mr. Long and Mr. Woodall:

H. B. No. 123, A bill to be entitled "An Act to amend Article 847 of the Criminal Procedure of the State of Texas, by providing therein that no

judgment of a trial court shall be reversed for any error which manifestly did no injury to defendant."

Referred to Committee on Criminal Jurisprudence.

By Mr. Gray, Mr. King of Hopkins and Mr. Masterson:

H. B. No. 124, A bill to be entitled "An Act to amend Article 1183, of Chapter 8, of the Revised Penal Code of the State of Texas of 1925, defining 'rape,' and defining what shall not be a defense thereto."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harman:

H. B. No. 125, A bill to be entitled "An Act amending Section 7143, of the Revised Statutes of 1925, making disposition of the money received from the inheritance tax, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Branch:

H. B. No. 126, A bill to be entitled "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet county, by adding thereto Section 2a, authorizing the commissioners court of Burnet county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments:

By Mr. Gray and Mr. Graves:

H. J. R. No. 7, Proposing to amend Section 26, Article 4, of the Constitution of the State of Texas, to provide

that the Governor of the State of Texas may appoint notaries public at any time and it shall not be necessary that the notaries public appointed by the Governor be confirmed by the State Senate of Texas.

By Mr. Shearer and Mr. Stell:

H. J. R. No. 8, Proposing an amendment to the Constitution providing for sessions of the Legislature biennially so as to permit of the introduction of bills at Regular Sessions; providing for sessions of the Legislature; providing for compensation and mileage of members of the Legislature.

By Mr. Bonham:

H. J. R. No. 9, Proposing an amendment to Section 24, of Article 3, of the Constitution of the State of Texas, by providing that the biennial sessions of the Legislature shall be divided into two terms, specifying the length of such terms; regulating the passage of general legislation, and fixing the compensation of members.

By Mr. Moursund and Mr. Smith of Smith:

H. J. R. No. 10, Proposing an amendment to Section 5, Article 4, of the Constitution of the State of Texas, providing for the compensation of the Governor for his services at a minimum annual salary of \$10,000; and providing for the fixing of the salary of the Governor by the Legislature of the State of Texas; and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray the expenses of said election.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 1, "An Act providing \$185,000 for mileage and per diem and contingent expenses of the Fortieth Legislature, and declaring an emergency."

REPORT OF COMMITTEE TO CORRECT THE STATUTES.

The Speaker laid before the House and had read the following committee report:

Committee Room,

Austin, Texas, January 14, 1927.

To the Honorable Senate and House of Representatives of Texas.

Sirs: Pursuant to a concurrent reso-

lution adopted during the Special Session of the Thirty-ninth Legislature, a committee of one member from the House and one from the Senate was appointed to correct the errors of omission and commission contained in the codification of the laws which was by the Codification Commission laid before the Thirty-ninth Legislature.

The Lieutenant Governor appointed Senator J. G. Strong of the Second District, and the Speaker of the House named Norman G. Kittrell, Representative from the Nineteenth District, and the committee so appointed deems it proper to lay before your honorable bodies the following report:

Your committee engaged a stenographer with long experience in court work and prepared to perform the duty devolved upon it by the terms of the resolution.

They had scarcely begun the work before they saw in the public prints that the Governor had vetoed the concurrent resolution, and they were left without any source from which to derive the money necessary to meet the expenses of the work.

Regardless of the veto, your committee was inclined to carry out the purpose of its appointment, but it seemed most probable, if not obvious, that it would be exceedingly difficult to do the work in a manner to render it of material value, within the time allotted, if the language in which the resolution was phrased was literally interpreted, as we conceived it must be.

Aided by Hon. E. T. Branch, one of the Codifying Commissioners, whose labors, however, were more particularly devoted to the Penal Code and Code of Criminal Procedure, the member of the committee from the House made as careful examination of the Civil Code as the time at his disposal permitted, and by so doing discovered that it was entirely practicable by a number of very brief acts to correct all the more material errors of commission and omission, many of which were the result of the use of the wrong preposition and many caused by errors, oversight and skipping of lines by the stenographer who typed the copy, and by failure to use care in reading the "copy" when typed. Many of the errors were so obvious that by applying rules of construction recognized and applied by our courts in dealing with the question of recodification when the old law was not meant to be changed, the harmfulness of such errors could be in large measure removed.

Mr. Branch, with almost infinite labor and care, had with pen and ink marked in his own copy of the Civil Code a large part of the errors and prepared explanations of the same and what steps would be necessary to be taken in order to correct them.

It may be helpful to say in this connection that there was recently appointed by the president of the Harris County Bar Association a committee of very capable lawyers, some of whom have served on the bench, to examine the new Civil Code and report what errors were discovered, and how they could best be corrected.

The report was made at the annual meeting and dinner on December 30, 1926. The chairman, speaking for the committee, said that investigation had shown that the reports widely circulated that there were a multitude of material errors were in large measure erroneous.

He said that the error arose from the fact that the Commission had rearranged the Code and had transferred certain chapters and articles to their proper places under proper titles, where they had not before been, and consequently the numbers of the articles were necessarily changed.

Every member who has carefully read the new Code and compared it with the old will have observed that the Codifying Commission adopted the plan and method of condensing the subdivisions of many articles into one article, but so preserving the phraseology as not to change the legal meaning, which fact has led the casual readers of the new Code to believe that the condensed subdivisions had been omitted.

There are unquestionably apparent in the Civil Code many errors, but a number of them are harmless and are susceptible of easy correction.

The most material error is one which evidently occurred in putting in typewritten form Article 3726 relating to recorded deeds to be used as evidence in cases of trespass to try title.

The typewriter operator evidently skipped several lines, but according to the rule of construction above referred to, the courts would have applied the law as it aforesaid was to any case in which the article was invoked.

Your committee presents herewith twenty-two bills, all of which have been prepared by Mr. Branch and all of which will be introduced in the House by the member of your committee from that body.

They appear to him to have been care-

fully drawn and in the emergency clause of most of them the reason for the necessity of their enactment into law is given.

Your committee has incurred no expense except the services of a stenographer in preparing this report, which was negligible.

Respectfully submitted,

J. G. STRONG,

Member on the part of the Senate.

NORMAN G. KITTRELL,

Member on the part of the House.

BILL ORDERED NOT PRINTED.

On motion of Mr. Wallace of Free-stone, Senate bill No. 1 was on last Wednesday ordered not printed.

EMPLOYEES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Committee Clerks—John R. Anderson, Earl F. Selman, Everett Dupuy, W. J. Geron, B. T. Fitzhugh, Randall Taylor, Aron H. Cole, Tom M. Yett.

Night Watchman—Joe Ansley.

Stenographers—Miss Evelyn Watson, Miss Lucille Favor, Mrs. B. J. Rupert, Mrs. Anita Peterson, Mrs. Lucille Williams, Mrs. Kathleen Bradley, Mrs. Mabel E. Berry.

(Mr. Satterwhite in the chair.)

PROVIDING FOR PRINTING LEGISLATIVE MANUAL.

Mr. Davis offered the following resolution:

H. C. R. No. 3, Providing for compiling and printing Legislative Manual for the Fortieth Legislature.

Resolved by the House of Representatives, the Senate concurring, That there be printed for the use of the House and Senate three hundred and fifty copies of the Texas Legislative Manual of the Fortieth Legislature, which shall contain the Constitution of Texas, the Rules of the Senate, the Rules of the House and the Joint Rules of the Senate and House, all of which shall be properly indexed, with such annotations as are necessary; a list of the standing committees of the two Houses, the names of the Senators and Representatives, and their respective districts. It shall also contain the names of the officers of the House and Senate, and of the representatives of the press in attendance.

Two hundred copies to be bound in flexible morocco covers at a cost not to exceed fifty cents per copy above the

cost of the same books in flexible cloth, according to the specifications of the contract with the public printer.

Provided further, That the name of each member and officer of the House and Senate be embossed upon the back of one copy of said Manual, said copy to be the property of the member or officer whose name is upon said copy. Three-fourths of such copies shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses in said proportion; provided that the public printer shall not be paid for composition but one time.

The said bound volumes to be in the hands of the members of the Legislature within thirty days from the passage of this resolution, and same shall not be paid for unless copies are delivered within forty days.

Provided further, That in addition to the two hundred copies to be bound in flexible morocco as herein provided, there shall be one hundred paper bound copies printed and turned over to the Secretary of State for the use in the Legislature hereafter, and fifty copies to be delivered to the State Librarian for exchange with other State libraries; that the members of the press, working as such in the Fortieth Legislature, be provided with a copy of said Manual by the Secretary of State.

The resolution was read second time.

Mr. Purl moved that the resolution be referred to the Committee on Public Printing, and the motion was lost.

Mr. Purl moved that further consideration of the resolution be postponed until 2 o'clock p. m. today.

Mr. Finlay offered the following amendment to the resolution:

Provided, That should said copies not be delivered within forty days from the passage of this resolution, they shall not be paid for.

The amendment was adopted.

On motion of Mr. Finlay, the motion to postpone further consideration of the resolution until 2 o'clock p. m. today was tabled.

Mr. Purl offered the following amendment to the resolution:

Provided, That when said book is printed, said type shall be held in form for three years.

On motion of Mr. Sheats, the amendment was tabled.

Mr. Nabors offered the following amendment to the resolution:

That the proposed resolution be so

amended that the Manual contain nothing except the rules of the House, and that they be printed at once and delivered to the members as soon as they can be printed.

Signed—Nabors, Boon.

On motion of Mr. Finlay, the amendment was tabled.

Mr. DeBerry moved the previous question on the resolution and the main question was ordered.

Question recurring on the resolution, it was adopted.

REQUESTING SECRETARY OF NAVY TO NAME NEW CRUISER AFTER THE CITY OF HOUSTON.

Mr. Kirby offered the following resolution:

Whereas, The citizens of Houston are desirous that one of the new cruisers of the United States Navy be named for the city of Houston; and

Whereas, To so name said cruiser would not only give prestige to the city of Houston and to Texas, but would do honor to the name of the man to whom this generation of Texans is, and generations yet unborn will be, debtor; therefore, be it

Resolved, That the House of Representatives of Texas does give its endorsement to the movement to have a United States cruiser named for the city of Houston, and requests that the Secretary of the Navy do so name one of said cruisers; and be it further

Resolved, That a copy of this resolution, signed by the Speaker and attested by the Chief Clerk of the House, be transmitted to the Secretary of the Navy.

Signed—Kirby, Holland, Kittrell, Acker, Morse.

The resolution was read second time and was adopted.

PROVIDING FOR ADDITIONAL HOUSE JOURNALS.

Mr. Wells offered the following resolution:

Whereas, There is a greater demand for House Journals on certain days by interested citizens, which demand is far in excess of the number of House Journals provided for by a previous resolution; therefore, be it

Resolved by the House of Representatives of the Fortieth Legislature, That the Speaker be authorized, and it is hereby made his duty, to order the printing of such additional numbers of

copies of the House Journal on any day, when in his judgment the current supply will be insufficient; and be it further

Resolved, That the cost of printing such additional numbers of House Journals shall be paid out of the contingent expense fund.

The resolution was read second time and was adopted.

(Speaker in the chair.)

EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following employes of the House:

Manager of the stenographic force—Mrs. J. E. Crosby.

Typists for the Enrolling Room—Hobson Green, Miss Ruth Hey, Miss Naoma Fuller, Miss Adeline Alexander, Miss Billie Burke, Miss Grace Bean, Miss Ruth Autrey and Mrs. S. H. Sanders.

Typists for the Engrossing Room—Miss Rosaline Widen, Mrs. Thelma Mize, Gus Michel, Mrs. Frances Baker, Miss Marilee Davis, Miss Selma McGee, Ab Martin, Mrs. Lillie Gresham and Mrs. Cora Bills.

Committee Clerks—E. C. Stoval, Lee Signor and Sidney Grayson.

STANDING COMMITTEES APPOINTED.

The Speaker announced the appointment of the following standing committees:

Committee on Game and Fisheries.

Messrs. Wells, Chairman; Finlay, Vice-Chairman; Shearer, Woodall, Teer; Holland, Sutton, Hornaday, Petsch, Pearce, Alexander, McKean, Fuchs, Boggs, Runge, Webb, Swain, Rogers of Shelby, Wallace of Panola, Kayton, Powell, Merritt.

Judiciary Committee.

Messrs. Rawlins, Chairman; McGill, Vice-Chairman; Sinks, Cummings, Daniel, Foster, Loftin, McCombs, Minor, Moursund, Powell, Rowell, Barron, Stout, Storey, Van Zandt, Alexander, Bonham, Acker, Justice, Nabors.

Committee on Contingent Expenses.

Messrs. Davis, Chairman; Hefley, Vice-Chairman; Hall, High, Smith of Nueces. Clerk to committee, Miss Edna Rugel.

RECESS.

On motion of Mr. Satterwhite, the House, at 12 o'clock m., took recess to 3 o'clock p. m. tomorrow.

FOURTH DAY.

(Continued.)

(Saturday, January 15, 1927.)

The House met at 3 o'clock p. m. and was called to order by Speaker Bobbitt.

STANDING COMMITTEES APPOINTED.

The Speaker announced the appointment of the following standing committees:

Committee on Public Printing.

Messrs. Conway, Chairman; Branch, Vice-Chairman; Anderson, Barnett, Cornwell, Eickenroht, Harding, Holder, Swain, Turner, Whitaker.

Committee on School Districts.

Messrs. Woodall, Chairman; Long, Vice-Chairman; DeBerry, Dunlap, Duvall, Faulk, Gibson, Porter, Sanders, Shirley, Waddell.

Committee on Rules.

Messrs. Nicholson, Chairman; Sutton, Vice-Chairman; Barron, Loy, Rowell.

Committee on Public Lands and Buildings.

Messrs. Harman, Chairman; Williams of Travis, Vice-Chairman; Bateman, Cornwell, DeBerry, High, Hornaday, Justice, King of Throckmorton, Kirkland, Loftin, Olsen, Pavlica, Ramsey, Rogers of Shelby, Sutton, Veatch, Walker, Webb, Wells, Williamson.

Committee on Federal Relations.

Messrs. Dale, Chairman; Gray, Vice-Chairman; Eickenroht, Jones, Land, Pope, Smyth, Van Zandt, Wassell, Kayton, Forbes.

Committee on Enrolled Bills.

Messrs. Morse, Chairman; Daniel, Vice-Chairman; Dunlap, Gilbert, Smith of Smith.

Committee on Banks and Banking.

Messrs. Sinks, Chairman; Alexander, Vice-Chairman; Avis, Beck, Eickenroht, Gibson, Hagaman, Hefley, Kenyon, Long, Montgomery, Moore, Parish of Runnels,